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RE: **OFFICIAL PAPER**
TO: **Examiner J. Kading
U.S. Patent and Trademark Office**
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FEB 18 2005

FROM: **Eugene J. Rosenthal
Reg. No. 36,658
Lucent Technologies Inc.**
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FAX: **(732) 949-0102**

DATE: **February 18, 2005**
Pages (incl. Cover): **6**

Re: **AMENDMENT**
Case No.: **W. J. Rowe 1**
Ser. No.: **09/660027**
File Date: **September 12, 2000**
Title: **Cable Modem Termination System For
Upstream Frequency Band**

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Feb. 18, 2005

Date

Sharon Lobosco

SHARON LOBOSCO

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

PATENT APPLICATION

William J Rowe

CASE 1**Serial No.** 09/660027 **Group Art Unit** 2661**RECEIVED
CENTRAL FAX CENTER****FEB 18 2005****Filed** September 12, 2000**Examiner** J. Kading**Title** Cable Modem Termination System For Upstream Frequency Band

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SIR:

Enclosed is an amendment in the above-identified application.

NO ADDITIONAL FEE REQUIRED

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Deposit Account No. 12-2325 as required to correct the error.

Respectfully,

Eugene J. Rosenthal, Attorney
 Reg. No. 36658
 732-949-1857.

Date: 2/18/05

Docket Administrator (Room 3J-219)
 Lucent Technologies Inc.
 101 Crawfords Corner Road
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February 18, 2004

Sharon L. Busco

Serial No. 09/660,027

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): William J. Rowe

Case: 1

Serial No.: 09/660,027

Group Art Unit: 2661

Filed: September, 12, 2000

Examiner: J. A. Kading

Title: Cable Modem Termination System For Upstream Frequency Band

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SIR:

RESPONSE

This communication is in response to the Office Action dated December 29, 2004.

Remarks

Claim 8 remains pending in the application.

Claim 8 was rejected under 35 U.S.C. 103 (a) in view of WO 00/28712, hereinafter Jones et al., in view of United States Patent No. 6,775,480 issued to Naegel et al. on August 10, 2004. The Office Action states that Jones et al. teaches all the elements of claim 8, except for reducing the prescribed period of time and repeating the searching step when the searching step failed to find a channel with an acceptable noise level over the prescribed period. However, the Office Action further states that Naegel et al. teaches these steps.

Applicant respectfully disagrees and traverses this ground of rejection for the reasons following.

Notwithstanding the Office Action's suggestion to the contrary, Naegel et al. does not teach reducing the prescribed period of time and repeating the searching step when the searching step failed to find a channel with an acceptable noise level over the prescribed period. Instead, Nagel et al. appears to teach continual monitoring of the noise